THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7895 OF 2006

DATED:26-04-2006

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Between:

Kodela Appa Rao and others ..Petitioners

And

The Government of Andhra Pradesh, represented by Principal Secretary, Revenue Department, Secretariat, Hyderabad. and others.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.7895 OF 2006

ORDER:

The five petitioners assailed the proceedings of the third respondent, dated 16.05.2005, whereby and whereunder it was ordered to resume the land admeasuring Acs.2.50 cents in survey No.159/3 situated at Kommadhi Village of Visakhapatnam (Rural) Mandal in Visakhapatnam District, under the Andhra Pradesh Assigned Lands (Prohibtion of Transfers) Act, 1977, and the Andhra Pradesh Assigned Lands (Prohibtion of Transfers) Rules, 1977.

At the stage of preliminary hearing, the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (Assignment) brought to the notice of this Court that in similar writ petitions, being W.P.Nos.18304 and 18341 of 2005 and 5637 of 2006, filed assailing the self same impugned order, this Court by an order, dated 29.03.2006, passed the following order.

> A bare perusal of the impugned order passed by the Mandal Reenue Officer would show that a notice in Form I under Rule 3 of the Rules was issued only to Gurunadha Rao, who appears to be no more interested in the land comprised in R.S.No.159/3 by reason of the sale deed executed in favour of the petitioners in 1986, 1987 and 1990. For this reason alone, the impugned

order cannot be enforced against the petitioners in these writ petitions. The impugned order is, therefore, set aside insofar as the land in possession of the petitioners is concerned, giving liberty to the Mandal revenue Officer to issue notice to the petitioners calling for their explanation and pass appropriate orders in accordance with law. This exercise may be completed within a period of four weeks. If the petitioners are still in possession, there shall be *status quo* as on today for a period of six weeks.

The Writ Petitions are accordingly allowed. No costs.

Following the same, this Writ Petition is also allowed in the above terms. No costs.

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(V.V.S.RAO, J)

26.04.2006

Note:Furnish C.C. by 01.05.2006

(B/o) GJ